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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91237315
Party	Plaintiff American Marriage Ministries
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Date	04/04/2018
Attachments	Opposers Partial Amendment to its Notice of Opposition.pdf(16776 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE MINISTRIES)	Opposition No. 91237315
)	
Opposer,)	Mark: GET ORDAINED
)	Application No. 87430729
v.)	
)	
UNIVERSAL LIFE CHURCH)	
MONASTERY STOREHOUSE, INC.,)	
)	Filed: October 18, 2017
Applicant.)	
)	

OPPOSER’S PARTIAL AMENDMENT TO ITS NOTICE OF OPPOSITION

Opposer amends its October 18, 2017 filing to replace paragraphs 11 – 18 as set out herein. The remainder of Opposer’s original filing remains the same.

11. There are other competing businesses offering ordination services which operate on the web and can be found by searching “get ordained,” who use “get ordained” to describe what their services enable customers to do.

12. Applicant was aware that several businesses which helped customers get ordained, used the phrase “get ordained.” There were in fact other competing businesses using “get ordained” to describe what their services enable customers to do at the time Applicant signed the oath associated with its Application and Applicant was aware of such use. Applicant had seen and had itself used “get ordained” descriptively or generically or as part of normal parlance prior to filing to obtain a trademark registration for the phrase. Applicant was aware that consumers often search “get ordained” when seeking to get ordained as ministers.

13. In the United States, trademark rights are determined by use. Online ordination service providers used the phrase “get ordained” generically or descriptively prior to or at the same time as Applicant. Any online ordination company which used the phrase “get ordained” prior to Applicant has the rights superior to Applicant’s rights associated with them. Further, the right of business in the ordination service industry to use a phrase needed to describe what they offer is superior to Applicant’s attempt to remove the phrase from normal parlance by claiming that “get ordained” particularly describes *only its* goods and services.

14. When it filed its Application, Applicant had actual knowledge of other parties using “get ordained” in connection with the sale of retail goods and services enabling consumers to become or “get” ordained as ministers. Applicant had actual knowledge that phrases such as “where can I get ordained” or “get ordained,” were commonly used by potential consumers when searching online to get ordained. Applicant knew that third parties in the field of helping ministers to get ordained online, used “get ordained” as a descriptive term of art and that Applicant itself had participated in using the phrase descriptively and continues today. When it filed its Application, Applicant knew and believed third party common law rights were superior to its rights and further believed that it (Applicant) could be poised to curtail the free and unencumbered fair use by third party competitors by applying for and being granted a US Trademark registration for a mark which was generic in the field of providing goods and services to allow customers to get ordained as ministers.

15. Applicant believed, or had no reason not to believe, that its claim of trademark rights in and to the mark GET ORDAINED would result in harm to others who would be denied unencumbered fair use of the term of art associated with their services and be at peril of having their websites suspended or taken down because of use of the phrase “get ordained.”

16. When Applicant filed its Application, it fraudulently and with disregard for the truth, attested that Applicant had exclusive rights to use the mark GET ORDAINED in connection with its services. Applicant believed that by filing its trademark it would block the unencumbered fair uses of the term of art “get ordained” in connection with minister ordination services when it fraudulently stated that it (Applicant) had exclusive rights in connection with its ordination services and goods related to the ordination of ministers. Applicant understood that by owning a registration for a commonly used phrase and search term, it could use that registration offensively to thwart common law use by competitors since online hosting companies, once notified, will take down or suspend a website using a term which is registered as a trademark.

17. In failing to disclose that there were prior users of “get ordained” in connection with the services and goods related to those services, Applicant intended to procure a registration to which Applicant is not entitled.

18. To the extent Applicant’s use of “GET ORDAINED” could ever be deemed trademark use, evidence of significant use of “get ordained” by competitors tends to indicate the mark has lost its significance as a trademark.

Dated: April 4, 2018

/Nancy V. Stephens/
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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2018, I served the foregoing Opposer's Partial Amendment to its Notice of Opposition on the applicant by email at the address below and by depositing a true copy thereof in a sealed envelope, postage prepaid, in First-Class U.S. mail addressed to applicant as follows:

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I.